

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DONNA SUE GILMORE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09CV53-DAS

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

DEFENDANT

FINAL JUDGMENT

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court determined that this case should be remanded to the Commissioner of Social Security for additional proceedings. Specifically, the Commissioner shall assign the matter to a new ALJ, and that ALJ shall retain a new vocational expert and conduct a new hearing. There is no need for the claimant to testify as to matters covered in the first two hearings. Her testimony is already a matter of record. However, the ALJ shall determine, considering the claimant's residual functional capacity, whether she can return to her past work--soliciting the help of the vocational expert if necessary. And, if necessary, the ALJ shall question the vocational expert regarding whether other jobs exist in the national or local economy that she can perform. Furthermore, while the claimant need not testify again as to matters already covered, she will be available to respond to any questions the new vocational expert may have. Of course, if they feel it is necessary, the ALJ and the claimant's attorney may question the claimant.

Accordingly, the parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

IT IS, THEREFORE, ORDERED AND ADJUDGED:

That this case is hereby **REMANDED** to the Commissioner for further proceedings.

THIS, 1st day of April, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE